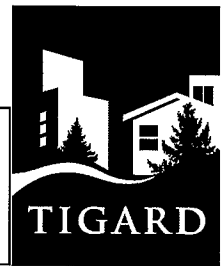


Agenda Item No. 4.1
For Agenda of 5/9/06



Tigard City Council Meeting Minutes

Date: April 18, 2006
Time: 6:36 p.m.
Place: Tigard City Hall, 13125 SW Hall Boulevard
Tigard, Oregon
Attending: Mayor Craig Dirksen Presiding
Councilor Sally Harding
Councilor Sydney Sherwood
Councilor Nick Wilson
Councilor Tom Woodruff

Agenda Item	Discussion & Comments	Action Items (follow up)
Workshop Meeting	<p>1.1 Mayor Dirksen called the City Council to Order at 6:36 p.m.</p> <p>1.2 Council Present: Mayor Dirksen, Councilors Harding, Sherwood, Wilson, and Woodruff.</p> <p>1.3 Pledge of Allegiance</p> <p>1.4 Council Communications & Liaison Reports</p> <p>1.5 Call to Council and Staff for Non-Agenda Items</p> <p>City Manager Prosser said there were three housekeeping items under Item No. 10 requiring brief discussion.</p> <p>Mayor Dirksen noted that a request had been received for a reordering of the agenda. Agenda Items No. 4 and No. 5 have been switched to accommodate a speaker's schedule conflict.</p>	
2. Annual Joint Meeting with the Library Board	<p>Staff Presenter: Director of Library Services Barnes</p> <p>Library Board Chair Susan Turley introduced the other Library Board Members in attendance: David Burke, Brian Kelly, Cecilia Nguyen and Jan Thenell.</p>	

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	<p>A recent patron survey received 2,300 responses. Quality of service is rated excellent or good. Over 950 of those surveyed made comments and those were overwhelmingly positive.</p> <p>50% of library patrons do not use self-check-out. As this is really important to the library, they're starting a program called, "Self-help with a Smile" where staff will aid people and teach them to use the self-check-out machine.</p> <p>In response to a question from Councilor Harding regarding the Reference Librarian's role, Board Member Thenell said even though patrons are familiar with the internet they sometimes still need the assistance a Reference Librarian can provide.</p> <p>Mayor Dirksen asked about internet filters. Board Member Nguyen said Tigard Public Library has filters on the computers in the children's section but not in the second floor computer area. She said they are considering providing users with a choice of filters.</p> <p>Library Services Director Barnes said the City's Information Technology (IT) Department set up spam filters and the new filter system will address this as well.</p> <p>Board Member Thenell mentioned that library parking is a problem. Councilor Woodruff said they will gain spaces when the Wall Street construction is complete.</p> <p>Councilor Wilson said the current coffee vendor is leaving and asked about replacement plans. Board Chair Turley said they will be sending out a request for proposals.</p> <p>Mayor Dirksen said it is good to be able to say that the library has become everything that officials said it would when they sought the library bond measure.</p>	

Agenda Item	Discussion & Comments	Action Items (follow up)
<p>3. Presentation on 2006 Tigard Festival of Balloons</p>	<p>Public Works Director Koellermeier introduced Dave Nicoli who previewed the 2006 Tigard Festival of Balloons. It will be held at Cook Park on June 16, 17, and 18 and ReMax is the major sponsor.</p> <p>There will be live music on Friday and Saturday nights and a church band on Sunday. Their big challenge is to get people to attend during the day, as the morning lift-off and night glow are already popular. To this end, they've planned a 5K run, soccer tournament, car rally and carnival.</p> <p>Mr. Nicoli shared with the Council how the Balloon Festival is funded. He noted charging admission to the event has provided some funding stability. He reviewed the number of non-profit organizations that participate and benefit from the Festival. He discussed with Council Sherwood the Caring Community Fundraiser, which was negotiated to mutual satisfaction.</p> <p>Mr. Nicoli said he currently pays the salary for one full-time event organizer for the Festival. His goal is to eventually have the proceeds from the event pay for this person and have the festival become self-sustaining. He is also involving more people to help with different aspects of the event. He expressed appreciation to the City for its support, especially from the Public Works Section.</p> <p>Mayor Dirksen said the Balloon Festival is in many ways the signature event for the City</p>	
<p>5. (Agenda Item heard out of order)</p> <p>Discuss Greenburg Road Alternatives Analysis Report</p>	<p>Staff Presenter: Engineer Duenas Consultant: Randy McCourt, DKS Associates</p> <p>Mr. McCourt presented the findings of the Pacific Highway/Greenburg Road Alternatives Study.</p> <ul style="list-style-type: none"> Existing conditions: This is one of Tigard's busiest intersections. The level of service is rated D. The 99W corridor AM and PM peak hour arterial level of service is rated F. Problems come from the traffic volume, short distance between major intersection, i.e., Hall Blvd. and Greenburg Road, and queuing 	

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	<p>overlap due to non-concurrent lights.</p> <ul style="list-style-type: none"> • Future conditions: There is an MSTIP Project planned for 99W/Hall Blvd. to add turning lanes. There will be an added eastbound lane from Greenburg to OR 217. <p>ODOT has the 99W bridge on its list of upcoming projects. Traffic signals on Hall/99W and Greenburg/99W can be coordinated.</p> <p>Mr. McCourt discussed several alternatives and findings with the Council.</p> <p>Tigard resident Gretchen Buehner stated that the city should look at piggybacking work on Greenburg Road onto the railroad overpass project.</p> <p>Councilor Woodruff said that this issue is so important and given the full meeting agenda he felt rushed for time. He wished to continue discussions at another time. City Manager Prosser asked if the Council would like to revisit this issue and the recommendations at a future workshop meeting. Discussion on this matter will be continued at the May 16, 2006 Council meeting.</p> <p>Mayor Dirksen said we can't be afraid of taking a hard look at all alternatives to come up with a long lasting solution. We need to have a policy and roadmap in place.</p>	
<p>4. (Agenda Item heard out of order)</p> <p>Discuss Washington Square Shopping Center with John Genovese Of Macerich Corporation</p>	<p>Community Development Director Coffee introduced John Genovese of the Macerich Corporation. Mr. Genovese expressed appreciation for the City's efforts to get the Washington Square expansion approved and underway. This investment attracted a lot of new retailers who wanted to be located at Washington Square.</p> <p>Mr. Genovese asked the Council what they would like to see at Washington Square. They want to consider Tigard's needs as they plan for the future.</p> <p>Mayor Dirksen said the Council looks at Washington Square as a regional center and how it</p>	

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	<p>all works together, not just as a retailing area. He said they are interested in the effects overall that any concept plan would have. He referenced the prior discussion on traffic, noting that Greenburg Road and Hall Boulevard are two of the main access roads to Washington Square from Pacific Highway. He said these issues all knit together.</p> <p>Councilor Woodruff said he likes the visually interesting appearance of the new addition as seen from Highway 217.</p> <p>Councilor Harding said the signage is a little big and she'd like to see it toned down.</p> <p>Councilor Wilson echoed Councilor Woodruff's comments and said that in the planning for Washington Square to be part of the Regional Center, the vision is that it becomes Washington County's downtown. The County's largest hotel is in the area as well as Lincoln Center, its tallest building. He said there was underutilization of the intersection at 217 and Greenburg Road where the vacant theater is located. He hoped that, although they've concentrated on retail in the past, they'd consider mixed uses. He suggested building vertically – constructing housing or hotel above retail space in multi-story buildings.</p> <p>Mr. Genovese said they clearly are interested in mixed-use development such as hotel/residential/office. He said a perfect area for this kind of construction is Washington Square Too, where the vacant theater and some one-story buildings are now located. He said he would be happy to sit down with the City and discuss how to get this accomplished.</p> <p>The Council expressed interest in exploring the following:</p> <ul style="list-style-type: none"> ▶ Tie in to commuter rail line (perhaps there could be a people mover from the stop across 217/Hall to the Washington Square Regional Center) ▶ Tigard Police substation 	

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	<ul style="list-style-type: none"> ▶ Mixed-use building such as retail combined with office or residential ▶ Multi-story "European village" style buildings ▶ Hotel ▶ Conference and meeting room facilities ▶ Finding ways to show the partnership between the City of Tigard and Washington Square <p>Considerations:</p> <ul style="list-style-type: none"> ▶ Washington Square Regional Center designation ▶ Upcoming commuter rail ▶ Washington County's potential urban renewal strip along Highway 217 ▶ Urban renewal may be a way to pay for large-ticket items such as overpasses, etc. ▶ Major roads to Washington Square are Hall and Greenburg, two of Tigard's busiest roads. ▶ A partnership between Tigard and Washington Square might get ODOT's attention and get some relief for these roads. ▶ We are in the process of inviting PGE to move their headquarters to Tigard. ▶ Office space becoming scarce in neighboring cities creates an opportunity for us. <p>Councilor Woodruff asked if Washington Square would be interested in sponsoring the skate park. Mayor Dirksen said the city is looking for private corporate sponsors. Mr. Genovese said he would look into it.</p> <p>Councilor Sherwood thanked Mr. Genovese for allowing the Tigard Farmer's Market to relocate near the former theater site this year.</p> <p>Councilor Harding said that housing affordable to Washington Square employees should be considered if mixed-use construction occurs. Mayor Dirksen said there is a precedent for requiring a certain percentage be set aside for affordable housing and he thought the Washington Square Regional Plan addressed this.</p> <p>Councilor Woodruff said he appreciated Mr. Genovese coming to the workshop meeting and suggested meeting together at least once a year.</p>	

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	<p>Mayor Dirksen called a 5 minute recess at 8:54 p.m.</p>	
<p>6. Joint Meeting with the Planned Development committee to Discuss Planned Development Code Revision</p>	<p>Mayor Dirksen reconvened the meeting at 9:00 p.m.</p> <p>Staff Presenters: Interim Community Development Director Coffee and Associate Planner Wyss.</p> <p>Planned Development Code Review Committee members present: Gretchen Buehner, Alice Ellis-Gaut, John Frewing and David Walsh</p> <p>Interim Community Development Director Coffee summarized the Committee's process and timeline. He noted that Council packets have copies of the Planned Development Code Committee Recommendations, including comments from the City Attorney and some recent comments from Committee Member John Frewing. A full copy of the report is available in the City Recorder's office.</p> <p>He said that concurrently, Associate Planner Wyss had been preparing a Buildable Lands Inventory. The Committee as well as the Planning Commission viewed this report at last night's joint meeting.</p> <p>He said the Committee realized that there may be revisions to their recommendations now that there is updated information on the type of buildable land left in Tigard. They want to make changes before their revision is put into ordinance form to go through the hearings process.</p> <p>Associate Planner Wyss gave a PowerPoint presentation of the Buildable Lands Inventory. The entire report is on file in the City Recorder's office.</p> <p>Councilor Wilson complimented staff on the report. He said it could help the City, during the Comprehensive Plan update, to focus efforts on present opportunities rather than reactions to the past. He recommended exploring unanticipated building in more depth to identify trends. He asked what happens when the City is completely built up. What is next?</p>	

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	<p>Interim Community Development Director Coffee discussed layering land values on the GIS information to compare building values to land values, and seeing where the potential for redevelopment exists.</p> <p>Planned Development Code Review Committee Member Buehner said it would have been helpful to them to have had the Buildable Land Inventory when they started their review. The goal of the Committee was to look at in-fill projects rather than just open spaces.</p> <p>The Planning Commission reviewed a draft of the Committee's proposed changes last month. In general, the Commission approved the draft with a few suggestions. The City Attorney made a few minor changes. She said they want to make these revisions before they bring it to the Council for their comments. She requested that the City Council give approval for the Committee to have two additional meetings over the next 60 days to finalize the language with the intent to bring the Code back to a Council Business meeting in July.</p> <p>Councilor Sherwood said the process of studying Tigard's Planned Development Code began because the Council wanted to eliminate density bonuses and lot-size averaging.</p> <p>Councilor Woodruff said density is an issue. He said citizens come to the Council complaining about density, thinking that density is the Council's only goal.</p> <p>Committee Member Buehner said preserving open space is very important to their Committee. She noted that the present code doesn't take storm water retention areas out of density calculations. That can make a difference in how we have to build.</p> <p>Ms. Buehner said the Committee's consensus was that some of the provisions they've suggested are on the nature of a pilot process that could be evaluated as we go through the Comprehensive Plan Review.</p>	

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	<p>Some of the ideas they've looked at could be incorporated in subdivisions and other parts of the Code. It would give the city an opportunity to look at green streets and green building issues.</p> <p>Committee Member John Frewing said he didn't think the Buildable Land Inventory takes out seven acres of open space per 1,000 residents which is a City objective for parks. Mayor Dirksen said this means we need higher density somewhere else to make up for it.</p> <p>Committee Member Alice Ellis-Gaut said an alternative way to look at open space is not as recreational use space but rather as a wildlife corridor. A one-acre parcel that can't accommodate a picnic ground setting could be designed to have capacity for wildlife.</p> <p>Councilor Wilson gave some positive comments. He said the Committee made it clear that the Planned Development process is a discretionary one. It appears to him that the code is now saying to developers, "If you are not offering something back to us, then go through the straight subdivision process." He said that is the point of a planned development. As we get to smaller and smaller pieces of property there may be a time where they should not be developed until the properties can be aggregated and completely redeveloped. He said it appeared they addressed Council's major concerns about density – extremely dense projects right up against established neighborhoods – which has been a problem in the past.</p> <p>He noted a few areas that he wanted the Committee to look at more closely. He said that some items put into the Planned Development Code should belong to all development, i.e., the tree code. He saw some extra things that he wondered about the necessity of, such as the site analysis requirement. He encouraged them to look through it again for brevity and clarity.</p> <p>The City Attorney asked if applying a zoning overlay at the end of the process is necessary. He said it was not legally necessary and can cause a great deal of</p>	

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	<p>expense and complication. He questioned whether the complication was worth some benefit.</p> <p>Applying the Planned Development process to commercial parcels was discussed.</p> <p>Interim Community Development Manager Coffee introduced the Committee's staff contact, Associate Planner Sean Farrelly. It was suggested that the City meet twice a month with the Committee and also with the Planning Commission once a month. They will bring a proposed draft back to the Council in 60 days.</p> <p>Mayor Dirksen stated his appreciation for the Committee's collaboration and how well they were working with the Planning Commission.</p>	
<p>7. Discuss Proposed Amendments to the Tigard Municipal Code to Create a Rights-of-Way Ordinance with a Street-Cut Moratorium</p>	<p>Staff Presenters: City Engineer Duenas and Right-of-Way Administrator Werner</p> <p>Right- of -Way Administrator Werner discussed the reasoning behind a street cut moratorium. Street deterioration due to street cuts costs the city money for maintenance, repair and rebuilding. Coordination of work on city streets would minimize public inconvenience, disruption and damage.</p> <p>Staff recommends that street cuts would not be allowed for five (5) years on newly constructed, reconstructed or improved streets.</p> <p>Further, street cuts would not be allowed within 400 feet of a major utility installation or upgrade occurring within the last year, as long as the utility requesting the cut had notice of a prior installation or upgrade. This applies regardless of the age of the street.</p> <p>Councilor Harding asked if there is presently a coordination policy. City Manager Prosser said it was only in the newer franchise agreements and only for telecom companies.</p>	

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	<p>Councilor Sherwood asked if the City tracks which utilities are working on the streets. Right-of-Way Administrator Werner said that for most work a permit would have been obtained and those are tracked on a map. For those without a permit she said utility locates are painted on the street and the city can tell who patched it by what utility is located there.</p> <p>Councilor Sherwood asked if there was a way for the companies to post a bond to cover the damage they do.</p> <p>Ms. Werner said if it is not in the existing agreement with a utility they would have to wait until the franchise is up for renewal. City Manager Prosser suggested looking at the NW Natural franchise which is the latest one. He thought there was a requirement for them to post a bond for construction work but he was not sure if it was a for a longer term.</p> <p>Mayor Dirksen suggested reviewing the adequacy of the reconstruction requirements we have now. He felt this was a separate issue.</p> <p>The City Attorney said he agreed with the staff's process to get a revised draft out for industry comment. He reviewed and discussed the comments received from Qwest.</p> <p>Councilor Harding said we should apply these requirements to the City of Tigard as well. She said we would not be very good leaders if we don't.</p> <p>Mayor Dirksen said our own utilities should be subject to franchise agreements. He said we should consider charging ourselves franchise fees so those monies could be pulled and used for reconstruction or street improvements made necessary by our impacts.</p> <p>Right-of-Way Administrator Werner said the City Engineer could grant exceptions and emergency work would not be affected. Exploratory boring as required by state law for locating utilities prior to</p>	


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	<p>boring under a street is allowed.</p> <p>Ms. Werner said the City Engineer, when granting an exception to the street moratorium, could place conditions for street restoration. The utility would be required to restore the street to the condition it was in. She said this is a way of allowing utilities to do the work they have to do but making sure that our streets don't suffer. Exception denial appeals would be made to the City Manager.</p> <p>She said there is also a three-year review period that requires the City Engineer to review the policy for circumstances of exemptions granted and conditions imposed and fair and consistent application of limitations, exemptions and restoration conditions. At this time we would also review whether or not the policy was working to keep our streets in better condition.</p> <p>Ms. Werner said there is existing language in the Tigard Municipal Code regarding telecom utilities and staff recommends applying this to all utilities that use our rights of way. This Ordinance would combine two chapters on rights of way and construction standards, clarifying them and making them less redundant.</p> <p>Mayor Dirksen said he thought it was a good idea to give a year grace period.</p> <p>Engineer Duenas said that some agreements are signed by management for the utility companies but the person out doing the work on the street doesn't know what the agreement says.</p> <p>City Manager Prosser noted that a strong lesson learned from a right-of-way study done for the city was that we really do need to keep track of who is in the right of way and who is doing the work. Otherwise, you have no control of it.</p> <p>Councilor Woodruff said we should move ahead with getting comments from the utilities and give the message that we take this seriously.</p>	

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	<p>City Manager Prosser asked about setting penalties for cuts done in violation of the policy or done without a permit. He also asked what the best way to give notice would be – written notice or letting them know through the website.</p> <p>Councilor Sherwood wanted to have cost averages of what it costs to repair the roads so that we have some amounts for fines to levy. She wanted to make sure that utilities are responsible for following up with their sub-contractors to make sure they're doing the work correctly. She felt we should look at bonds for larger projects rather than fines.</p> <p>Councilor Wilson recommended looking at this as an opportunity for cooperation between the City, which provides some utilities, and the private utility providers. He said we should make extra effort to communicate with these partners and coordinate our projects.</p> <p>Mayor Dirksen said that a lot of concerns raised in the letter from Quest were addressed tonight.</p> <p>Councilor Wilson asked if any other municipalities are doing this. Right-of-Way Administrator Werner said a recent survey indicated many nearby cities are doing this and it is not uncommon.</p> <p>Right-of-Way Administrator Werner said that after revising the draft ordinance and seeking utility input, staff will bring it back to Council for approval.</p>	
8. Discuss Revisions to the Tigard Municipal Code to Incorporate a Privilege Tax	<p>Mayor Dirksen suggested tabling Agenda Item No. 8 due to time constraints. The consensus was to table this item and add it to the agenda for the May 16 workshop meeting.</p> <p>Councilor Woodruff said a second issue to be discussed at the same time is that the City should apply franchise fees to itself.</p>	
9. Council Liaison Reports		

Agenda Item	Discussion & Comments	Action Items (follow up)										
10. Non Agenda Items	<p>City Manager Prosser said the joint meeting with Tigard/Tualatin School District and the cities of Tigard, Tualatin, Durham and King City has been tentatively scheduled for May 31, 2006. He asked Council members to confirm their availability and to give him possible agenda items.</p> <p>City Manager Prosser handed out a memo regarding the ICMA website access. Council ground rules will be discussed in June or July. The ICMA website access will be added as a topic of discussion.</p>											
11. Executive Session	Not held.											
12. Adjournment	10:31 p.m.	<p>Motion by Councilor Woodruff, seconded by Councilor Sherwood, to adjourn the meeting.</p> <p>The motion was approved by a unanimous vote of Council members present</p> <table><tr><td>Mayor Dirksen</td><td>Yes</td></tr><tr><td>Councilor Harding</td><td>Yes</td></tr><tr><td>Councilor Sherwood</td><td>Yes</td></tr><tr><td>Councilor Wilson</td><td>Yes</td></tr><tr><td>Councilor Woodruff</td><td>Yes</td></tr></table>	Mayor Dirksen	Yes	Councilor Harding	Yes	Councilor Sherwood	Yes	Councilor Wilson	Yes	Councilor Woodruff	Yes
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Carol Krager, Deputy City Recorder

Attest:



Mayor, City of Tigard

Date: May 9, 2006

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